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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,773	12/26/2001	James H. Kerr SR.	P1499USA	5870

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EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/025,773	Applicant(s) KERR, JAMES H.	
	Examiner Thuy N. Pardo	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 5-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 25, 2006 has been entered.

Applicant's Amendment filed on January 31, 2006 in response to Examiner's Office Action has been reviewed. Claims 2, 4 have been canceled, claims 1, 3, 6-9, 12-16, 18-21 have been amended.

2. Claims 1, 3 and 5-22 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 3 and 5-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neeson et al. (Hereinafter "Neeson") US Patent No. 5,786,998 in view of Bolavage et al. (hereinafter "Bolavage") US Patent Application No. 2002/0084889.

As to claim 3, Neeson teaches the invention substantially as claimed, comprising:
Transmitter, attached to the physical asset for transmitting a first data and communication means for receiving the first data signal and transmitting a second data signal [compares the signal strength of the incoming signal (or the second signal) to a full strength signal (or the first signal), see col. 7, lines 60 to col. 8, lines 3] and storing the data signal in continuous communication and track the location of the physical asset [stored in base stations 52, 54 which is being used to maintain radio contact to tracking locations vehicles and equipments in the field units, col. 7, lines 60 to col. 8, lines 3; col. 10, lines 25-32].

However, Neeson does not explicitly teach tracking location of item via World Wide Web connection and for housing a software program for enabling a user to track the physical asset although it has the same functionality of tracking reporting and recording equipment inventory via AMCI communication [see the title and the abstract of Neeson]. Bolavage teaches tracking location of the item via World Wide Web connection and for housing a software program for enabling a user to track the physical asset [0016-0020; 0049-0051; fig. 1].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Bolavage to the system of Neeson as an essential means to tracking location of items through world wide packet data communication services.

As to claims 1, 20 and 21, all limitations of these claims have been addressed in the analysis of claim 1 above, and these claims are rejected on that basis.

As to claim 5, Neeson and Bolavage teach the invention substantially as claimed. Neeson further teaches manipulating the stored status signal by using the personal computer to generate, save and print reports [ab; fig. 16-20].

As to claims 6, Neeson and Bolavage teach the invention substantially as claimed. Neeson further teaches outputting a status symbol representing the status signal [col. 7, lines 60 to col. 8, lines 3; col. 9, lines 60 to col. 10, lines 42].

As to claims 7-9, Neeson and Bolavage teach the invention substantially as claimed, with the exception of outputting a red status symbol if the physical asset is not in a proper location, a green status symbol if the physical asset is in a proper location, and yellow status symbol if the physical asset is detected in a location, but the location is not a proper location. However, these features are only a matter of a design choice and are well-applied in many exclusive operations. Hastings also teaches determine the whereabouts and status of a particular asset [ab], and Neeson also teaches alerting state of the item [see fig. 6].

As to claim 19, Neeson and Bolavage teach the invention substantially as claimed. Neeson further teaches a computer network; at least one server in communication with the computer network [14 of fig. 1]; a storage device for storing information [col. 4, lines 23-25].

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Bolavage teaches tracking location of the item via World Wide Web connection and for housing a software program for enabling a user to track the physical asset [0016-0020; 0049-0051; fig. 1].

As to claim 10, Neeson and Bolavage teach the invention substantially as claimed.

Neeson further teaches the communication means comprises a personal computer [14 of fig. 1].

As to claim 11, Neeson and Bolavage teach the invention substantially as claimed.

Neeson further teaches that receiving means comprises a personal computer [20 of fig. 1].

As to claim 12, Neeson and Bolavage teach the invention substantially as claimed.

Neeson further teaches the receiving means generates, saves and prints reports based on the second status signal [col. 9, lines 32-46].

As to claims 13-16, 20 and 21, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

As to claim 17, Neeson and Bolavage teach the invention substantially as claimed.

Neeson further teaches a database for storing information about the first data signal [col. 8, lines 57 to col. 9, lines 31].

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As to claim 18, Neeson and Bolavage teach the invention substantially as claimed.

Bolavage further teaches that the user having been granted exclusive access rights to the database and the user only gaining access by using a password or personal identification number [0032; 0050].

As to claim 22, Neeson and Bolavage teach the invention substantially as claimed.

Neeson further teaches that the communication medium is the Internet [AMCI Base Networking System, fig. 2; col. 6, lines 61 to col. 7, lines 3].

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3 and 5-22 have been considered but are moot in view of the new grounds of rejection.

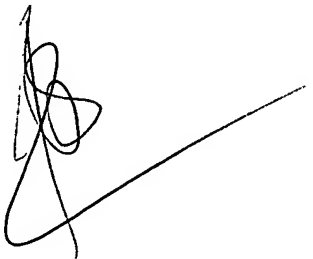
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 09, 2006

A handwritten signature in black ink, consisting of a stylized, cursive 'T' followed by a long, sweeping horizontal line that extends to the right.

THUY N. PARDO
PRIMARY EXAMINER